THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition Nos.22227, 22228, 22248, 22249, 22250, 22253, 22254, 22255, 22256, 22257, 22259, 22260, 22261, 22262, 22263, 22264 and 22265 of 2005

Dated: August 11, 2006

W.P.No.22227 of 2005

Between:

Rousseau College of Elementary Teachers Education Institution, Sircilla, Karimnagar, rep. by Correspondent, P. Devender Rao, S/o. P. Mutyam Rao, aged 32 years.

… Petitioner

And

Government of Andhra Pradesh, rep. by its Secretary, Education (School Education) Department, Secretariat, Hyderabad, and Others.

… Respondents

Common order:

In all these writ petitions, as similar issue arises for consideration, they are heard together and are being disposed of by this common order.

2. In this batch of cases, the petitioners have questioned the

action of the State Council for Education Research and Training Center, (SCERT) Basheerbagh, Hyderabad, in rejecting the proposal for approval of the teaching staff, and also the validity of G.O.Ms.No.49 Edn. Trg. Dept. dated 04-03-2005.

3. The Government of Andhra Pradesh, by G.O.Ms.No.49 dated 04-03-2005, has decided not to grant permission for establishment of new Telugu medium B.Ed. and D.Ed. colleges in the state. Though the validity of the aforesaid G.O. has been questioned, the petitioners have confined their challenge only to the extent of rejecting their proposals for approval of staff in their institutions.

4. The petitioner-institutions have been permitted to establish and impart elementary teacher education and necessary permission was granted by the competent authority, namely, the National Council for Teacher Education. In exercise of power under Section 153 (a) of the National Council for Teacher Education Act, 1993 ('the Act' for brevity) the Southern Regional Committee has granted permission to run the elementary teacher education course (D.Ed.) subject to certain conditions. As per the conditions notified at the time of grant of such permission, the Principal, teaching staff and other faculty members shall be approved by the Director, SCERT, Hyderabad. In pursuance of the permission granted to the petitioners by the competent authority under the Act, they had submitted their proposals for approval of Principal, teaching staff and other faculty members. But, however, their proposals were returned on the ground that they have no role in view of the amended regulations, namely, National Council for Teacher Education (Regulation, Norms and Procedure) Regulations, 2005 dated 27-12-2005. When their proposals were not approved on the

aforesaid ground, these writ petitions have been filed.

5. Heard Sri D. Prakash Reddy, learned counsel for the petitioners, learned Government Pleader appearing for respondents 1 and 3 and also Sri B. Adinarayana Rao, learned Standing Counsel appearing on behalf of the second respondent.

6. Sri D. Prakash Reddy, learned counsel for the petitioners submits that as much as permissions were duly granted before the amended regulations came into force, the third respondent – SCERT is the competent authority to approve the staff list submitted by the petitioners.

7. The Director, SCERT, has filed a counter affidavit stating that as per Regulation 7 of the amended regulations, the petitioner-institutions are expected to launch their own website and submit applications to the NCERT, mentioning the particulars of the proposed teaching and non-teaching staff along with photographs. They are also expected to arrange for interaction of the staff with the visiting teams; as such, the SCERT, Hyderabad, has no role to play in approving the staff lists of the petitioner institutions.

8. Subsequent to the counter affidavit filed by the SCERT, the Regional Director, NCTE, Bangalore, has filed a common counter affidavit stating that the amended regulations came into force only with effect from 13-01-2006 and the petitioner-institutions were granted recognition by the NCTE, basing on the regulations which came into force with effect from 05-01-2004. It is stated that in respect of those institutions whose recognition was regulated by the old regulations, the procedure mentioned therein is applicable and

as such, the State Government alone is competent to approve the staff lists in respect of the petitioner-institutions.

9. It is not in dispute that all the petitioner-institutions were granted permission by the competent authority to run colleges of elementary teacher education under the provisions of the Act before the amended regulations came into force. As per the old regulations, the staff members were to be approved after grant of permission only by the SCERT on behalf of the State Government. Now, the NCTE has itself filed an affidavit stating that with regard to the permissions, which were granted prior to the coming into force of the old regulations, the State has to exercise its power so far as approval of staff is concerned.

10. In the circumstances, I dispose of this batch of writ petitions permitting the petitioners to submit fresh proposals to the third respondent, the Director, State Council for Education Research and Training, Andhra Pradesh, within a period of four weeks from today and on such submission, the Director, SCERT, shall receive the said proposals and process them, for approval of staff without reference to the amended regulations, by following the procedure which was in vogue prior to the coming into force of the amended regulations. However, it is open for the said authority to collect necessary charges from the respective institutions for undertaking such exercise. It is made clear that the process for approval for appointment of staff shall be considered by the State Council for Education Research and Training subject to fulfillment of the requisite conditions and the qualifications prescribed as per the notified regulations and the applicable rules framed by the NCTE.

11. The writ petitions are disposed of with the foregoing directions. There shall be no order as to costs.

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JUSTICE R. SUBHASH REDDY.

August 11, 2006
MRR